

- 101 ADOPTION OF CODE OF ORDINANCE
- 102 RULES OF CONSTRUCTION
- 103 DEFINITIONS
- 104 PENALTY FOR VIOLATIONS

101 ADOPTION OF WILLERNIE CODE OF ORDINANCES

The City Council of Willernie does ordain:

- 101.010 **Adoption of Code.** This ordinance consisting of Chapter 101 through 901 **inclusive** is a codification and revision of the ordinances except as specified in Section 101.020 following hereafter and is hereby adopted as a single, original and comprehensive ordinance to be known as the Municipal Code of Willernie.
- 101.020 **Repeal of Ordinances.** Appendix B to the Municipal Code of Willernie is a listing of all ordinances of the City of Willernie No. 1-102. All ordinances in Appendix B are hereby repealed, except those ordinances located in the right hand column of Appendix B. The ordinances in the right column of Appendix B being special or limited in nature and application, are continued in force, but not set forth in the Municipal Code.
- 101.030 **Subsequent Ordinances.** Ordinances passed after the effective date of the Municipal Code shall be passed as amendments or additions to the Municipal Code, unless such ordinances are of limited or special application. Such ordinances which are amendments or additions to the Municipal Code shall be incorporated into the Municipal Code as a subsequent revision. It is the intention of the City Council that this Municipal Code be kept up to date by the insertion of revised or additional pages. Consecutive chronological numbering of subsequent ordinances shall continue.
- 101.040 **Preservation of Existing Rights.** The repeal of any ordinances or portion thereof by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect, but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by the adoption of this Code, shall be discharged or affected by such repeal or alteration;

but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded within all respects as if such prior ordinance or part thereof had not been repealed or altered.

101.050 **Severability.** If any chapter, section, sentence, clause, or other part of the Municipal Code of Willernie shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other portions of the Municipal code.

101.060 **Publication of Code and Effective Date.** This ordinance, the Municipal Code of Willernie, together with such indexes, supplements, appendices or other material as the Council may designate, shall be published in book form and a substantial quantity of copies shall be printed and available at The offices of the City Clerk for general distribution to the public. The Municipal Code shall become operative and effective as soon as the City Clerk shall publish a notice for two (2) successive weeks in the official newspaper of the City of Willernie stating that printed copies of the Municipal Code are available at the office of the City Clerk for general distribution.

Passed by the City Council of the City of Willernie this ____ day of _____, 2006.

Barbara K. Parent, Mayor

Attest:

Victoria R. Keating, Clerk

102 RULES OF CONSTRUCTION

102.010

General. Words and phrases shall be construed in their plain ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

102.020

Masculine, Feminine or Neuter. Unless the context clearly requires otherwise, the use of either masculine, feminine or neuter gender shall include the other genders.

102.030

Singular or Plural. Unless the context clearly requires otherwise, the use of either singular or plural numbers shall include the other number.

102.040

Past, Present. Or Future. Unless the context clearly requires otherwise, the use of either past, present, or future tense shall include the other tenses.

102.050

Joint Authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

102.060

Computation of Time. The time within which an act shall be done shall be computed by excluding the first and including the last. If the last day is a Sunday or legal holiday, such day shall be excluded.

102.070

Deputies. Whenever the Municipal Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

102.080

Conjunctions. The word “or” and “and” may be read interchangeably in situations where the context requires it.

102.090

Repeals. The repeal of a provision which repeals a prior provision does not revive the prior provision, unless the intent to do so is clearly stated. The repeal of any provision shall not be construed to abate, annual or otherwise affect any proceeding had or commenced under or by virtue of the repealed provisions, and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent is clearly stated.

102.100 **Minnesota Rules of Construction to Apply.** Unless clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statutes or case law shall apply in the construction of this Code.

103 **DEFINITIONS**

103.010 **Certain Terms Defined.** As used in the Municipal Code, unless the particular context shall clearly require some other meaning, the following terms shall mean:

- (1) **Code.** The Willernie Municipal Code.
- (2) **Council.** The City Council of the City of Willernie.
- (3) **Governing Body.** The City Council.
- (4) **Person.** Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed law. Whenever the word “person” is used in any section prescribing a penalty or time, it shall include the partners or members of any partnership or corporation, and, as to corporation, the officers, agents or members thereof who are responsible for the violation.
- (5) **Property.** Tangible or intangible, real, personal or mixed property.
- (6) **Sidewalk.** That portion of the street between the curblineline and the adjacent property line, intended for the use of pedestrians.
- (7) **State.** The State of Minnesota.
- (8) **Street.** Any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of said words shall include the others, and, if the context permits, shall also include “sidewalks.”

103.020 **Other Definitions.** Certain chapters of this Code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in Section 103.010 and such other definitions, the other definitions shall prevail in the chapters where applicable.

103.030 **Minnesota Definitions to Apply.** Unless clearly in conflict with definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by statutes or case law shall apply to this Municipal Code.

104 PENALTY FOR VIOLATION

104.010 **Penalties.** Unless otherwise stated herein, every person violating any provision of this Code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the maximum fine for a misdemeanor under the state law in effect at the time of the violation or by imprisonment not to exceed ninety (90) days, or both. In either case the costs of prosecution may be added.